

7.

**ABSTRACT OF TITLE**

**OF**

CLARENCE RICHARDS

**TO**

LOT NUMBER 43  
WHITE PROJECT

**PREPARED BY**

Edgar S. Douglas  
Attorney at Law  
Columbia, S. C.



ABSTRACT OF THE TITLE

OF

CLARENCE RICHARDS

TO

All that certain piece, parcel or lot of land, with the improvements thereon, situate in what is known as "Hampton Place", in what was formerly Waverly, now within the City of Columbia, measuring on McDuffie Avenue, fifty (50') feet, and running back therefrom in parallel lines to a depth of one hundred and fifty-eight (158') feet, more or less, and bounded as follows: North by lots 1, 2 and 3, on plat of said Development, property now or formerly of H. Jacobs, East by McDuffie Avenue, South by lot No. 61 and west by an alley.



2

Prepared by Edgar S. Douglas, Attorney at Law,  
Columbia, S. C., for the Columbia Housing Authority  
to whom said property has been offered for sale.

---

The lot above described is a portion of a larger  
tract of land owned by General Wade Hampton prior to  
the burning of the records of Richland County, S. C.,  
in 1865. The tract owned by him of which he died seized  
and possessed, contained 108 acres. It does not appear  
that in his lifetime he sold any of this tract.

---

The abstract of the title of the property above  
described, prior to the deed first hereinafter set  
forth will be found in the Abstract of Title of  
CLARENCE RICHARDS (NO. 47) herewith submitted.  
(Links 1-9 inclusive and Link 13.)



Columbia Real Estate	)	Deed-
and Insurance Agency.	)	Dated-April 24, 1912.
	)	Recorded Clerk's Office
to	)	Richland County, S. C.
	)	Book "AU" Page 512.
Hampton Jacobs	)	Date of Recording-April 25, 1912.
	)	

Consideration: \$500.00

Conveys: Lot No. 60 on plat of "Hampton Place" recorded Plat Book "C" at page 35. Bounded north by lots 1 and 2 and 3 whereon it runs one hundred and fifty-six feet and 4 inches (156'4"); east by McDuffie Avenue whereon it runs fifty (50') feet; south by lot No. 61 whereon it runs one hundred and fifty-eight (158') feet and on west by an alley whereon it runs fifty (50') feet.

Fee Simple, full warranty, regular in execution and proof.  
No dower grantor being a corporation.



\*

Hampton Jacobs	)	Deed-
	)	Dated-January 17, 1914.
to	)	Recorded Clerk's Office
	)	Richland County, S. C.
Columbia Real Estate	)	Book "BH" Page 572.
and Insurance Agency	)	Date of Recording-January 23, 1914.

Consideration: \$5.00 and other consideration.

Conveys: Inter Alia, the lot in question.

Fee Simple, full warranty, regular in execution. Dower renounced.

Note: The Affiant did not sign the probate. We think this irregularity is immaterial at this time.



H. Jacobs       )  
                  )  
to                )  
                  )  
C. R. Cook       )  
                  )  
Deed-  
Dated-January 29, 1919.  
Recorded Clerk's Office  
Richland County, S. C.  
Book "BX" at page 614.  
Date of Recording-January 30, 1920.

Consideration: \$625.00.

All that parcel, piece or tract of land, known as the  
"Hampton Place", a lot containing one hundred and fifty-eight  
(158') feet, by fifty (50') feet, same lot was surveyed by  
Keith Legare, recorded in Book "C" at page 35, said lot was  
conveyed to H. Jacobs by the Columbia Real Estate and Agency,  
and bounded as follows: on the north by lot No. 1, 2 and 3,  
belonging to H. Jacobs; east by McDuffie Avenue; south by lot  
No. 61 and west by an alley.

Fee Simple, limited warranty, regular in execution and proof.  
Dower renounced.

Note: This is lot No. 60 as shown on plat of "Hampton  
Place" recorded in Plat Book "C" at page 35.







9

Maggie Cook                    )  
                                  )  
to                                )  
                                  )  
Clifford R. Cook Jr.        )  
                                  )

Deed-  
Dated-August 26, 1927.  
Recorded Clerk's Office  
Richland County, S. C.  
Book "CX" Page 52.  
Date of Recording-August 31, 1927.

Consideration: \$5.00 and love and affection.

All my right title and interest in and to the following described premises.

All that certain piece, parcel or lot of land , with the improvements thereon, situate in what is known as Hampton Place, in what was formerly Waverly, now within the City of Columbia, measuring on McDuffie Avenue fifty (50') feet, and running back therefrom in parallel lines to a depth of one hundred and fifty-eight (158') feet, and bounded as follows: North by lotss 1, 2 and 3 on plat of said Development, property now or formerly of H. Jacobs; east by McDuffie Avenue; South by lot No. 62 and west by an alley, being the premises heretofore conveyed to C. R. Cook (deceased) from H. Jacobs by deed recorded in Office of Clerk of Court for Richland County in Book "BX" page 614. ?

Recites-

"Whereas C. R. Cook, Sr., departed his life on the 5th day of July 1927, seized and possessed of the premises hereinafter described and conveyed, and whereas Clifford R. Cook, Jr., only child and I, the widow of said C. R. Cook, Sr., are the heirs at law entitled to the said premises, the deceased having left no will, and, whereas it is my desire that my said son, Clifford R. Cook Jr., shall have all of the real property in the name of his father at the time of his death, now-"

Fee Simple, full warranty, regular in execution and proof. No dower the grantor being a woman.



4

In Re Estate	)	
	)	PROBATE COURT
C. R. Cook, Jr.	)	BOX 353
	)	PACKAGE 10,727
	)	Richland County.

Petition of Bessie Adelia Cook for Letters of Administration, dated October 10, 1929, shows that C. R. Cook, Jr, died intestate October 3, 1929, leaving the following as his heirs at law:

Bessie Adelia Cook	-----	Wife	Age 32
Ruby Cook	-----	daughter	Age 11
Riley Cook	-----	Son	Age 9
Annie Bessie Cook	-----	daughter	Age 6
John Franklin Cook	-----	Son	Age 4
Catherine Cook	-----	daughter	Age 1
Charley Clifton Cook	-----	Son	Age 14

Letters of Administration granted October 28, 1929.

Warranto of appraisement shows deceased died possessed of property in question.

Petition for discharge dated October 31, 1930.

Final discharge dated January 16, 1932.



Re Charlie Clifton Cook

) PROBATE COURT

) BOX 367

) PACKAGE 10930

)

This is application for the commitment of Charlie Clifton Cook (son of Clifton R. Cook, Jr.) age 15, to State Hospital, dated August 9, 1930 and signed by Mrs. Bessie Cook, his mother. The file shows that the examination of Charlie Clifton Cook by the doctors indicated that said Charlie Clifton Cook is a mental defective but is not insane.



10

Bessie Cook	)	JUDGMENT ROLL
	)	
Plaintiff	)	26325
	)	
-VS-	)	
	)	
Charles C. Cook, Riley	)	
Cook, Bessie Cook, Frank	)	
Cook and Catherine Cook,	)	
	)	
Defendants	)	

*Ruby 7*

This was an action to sell the interest of the minor defendants in the property in question, brought in County Court, for Richland County, Summons and Complaint dated February 28, 1939, alleges that Plaintiff is the wife of Clifford R. Cook, Jr., who died intestate; that the defendants are his sole surviving children; that all defendants are minors except Charles C. Cook; that Clifford R. Cook, Jr., died possessed of property in question; that the heirs have been unable to pay the taxes or to keep the property in repair; that under the City Ordinances and Health Regulations the property cannot be used unless sewerage is installed; that Plaintiff has obtained a purchaser who is willing to pay \$100.00 in cash over and above the past due taxes and asks that the Court authorize a sale thereof to said purchaser for \$100.00 cash. Service regular. Petition of Charles Cook and Riley Cook for appointment of Guardian ad litem for the other minor defendants and appointment of John Gregg McMaster as Guardian ad litem, dated March 1, 1939. Answer of Guardian ad litem for the minor defendants dated March 1, 1939, joins in prayer of Complaint. Answer of defendant Charles C. Cook dated March 1, 1939, also joins in prayer of the Complaint. Order of Reference signed by Hon. A. W. Holman refers the matter to Master for Richland County this order being consented to by John Gregg McMaster.



The contract of sale referred to, is in the roll, being in favor of the General Land Company, MASTERS REPORT dated March 28, 1939 finds that Clifford R. Cook Jr, died intestate October 3, 1930, and that the Plaintiff and defendants are his sole surviving heirs at law and grants prayer of the complaint. The testimony shows that all of the debts of the estate have been paid. Decree of Hon. A. W. Holman, County Judge, dated March 28, 1939 confirms Master's Report and authorizes a sale of the property to General Land Company, for \$100 and assumption of all taxes due on said property. On March 29, 1939 General Land Company assigned its rights under the Contract to Clarence Richards. Masters Report shows that deed was delivered to Clarence Richards in pursuance of the assignment. Order confirming sale dated April 4, 1939.

NOTE: This action was brought in the County Court for Richland County. There is testimony in the proceeding by A. W. Fogle, a real estate agent, to the effect that the property in question is worth not more than \$200.00.



Harry M. Lightsey,  
Master for Richland County

To

Clarence Richards

{ DEED-  
) Dated-March 31, 1939  
) Date of Recording-March 30, 1939  
) Deed Book "DV", at page 601  
)  
)  
)

Consideration: \$53.34

All the right title and interest of Riley Cook, Bessie Cook, Frank Cook and Catherine Cook in and to-

All that piece, parcel and lot of land, with improvements thereon, situate, lying and being in State of South Carolina, County of Richland, and being in "Hampton Place", on McDuffie Avenue, in the City of Columbia, and measuring fifty (50') feet by one hundred and ninety-eight (198') feet, and being bounded on north by lots 1, 2 and 3, as shown by Plat of "Hampton Place", recorded in the Office of Clerk of Court for Richland County, on east by McDuffie Avenue, on south by lot No. 62 as shown on plat above mentioned and on the west by an alley.

All taxes constituting liens upon said premises are assumed by the purchaser under and by virtue of the order hereinabove referred to.

NOTE: The correct depth of the lot is one hundred and fifty-six and four tenths (156.4') feet on the North side and one hundred and fifty-eight (158') feet on south side. Also southern boundary is lot 61, Not 62.

Fee Simple, regular in execution and proof. Master's Deed.



Charles C. Cook and Bessie Cook

To

Clarence Richards

) DEED-  
) Dated-March 30, 1939  
) Recorded Deed Book "EO", page 199  
) Date of Recording March 30, 1939  
)  
)  
)

Consideration: \$5.00 and other

All our right title and interest in and to all that piece, parcel and lot of land, with improvements thereon, situate, lying and being in State of South Carolina, County of Richland, and being in "Hampton Place" on McDuffie Avenue, in City of Columbia, and measuring fifty (50') feet by one hundred and ninety-eight (198') feet, and being bounded on north by lots 1, 2 and 3, as shown on Plat of Hampton Place, recorded in Office of Clerk of Court for Richland County, on east by lot No. 62 as shown on plat above mentioned and on the west by an alley.

NOTE: The correct depth of the lot question is one hundred and fifty-six and four tenths (156.4') feet on north side and one hundred and fifty-eight (158') feet on south side. Also southern boundary is lot No. 61 and not ~~62~~ 62.

Fee Simple, full warranty, regular in execution and proof.

Dower renounced.



14

ENCUMBRANCES

C. R. Cook ) Mortgage  
              ) Dated-January 29, 1919.  
to            ) Recorded Clerk's Office  
              ) Richland County, S. C.  
H. Jacobs     ) Book "DI" Page 97.  
              ) Date of Recording-February 8, 1919.

*Maturity Date?*

Consideration: \$375.00

Covers-the property in question.

\$375.00 to be paid January 1, 1920.

Open of Record.



## T A X E S

My examination shows that no taxes have been paid on this property since 1929, and that State and County taxes amounting to a total of \$170.42 are now due, and that City taxes amounting to a total of \$131.09 are also due. The tax collector for Richland County sold the property for the past due taxes on November 7, 1938, at which sale the property was bid in by Clarence Richards. It also appears that the City of Columbia sold the property for past due City taxes on September 7, 1936, at which sale the property was bid in by the said City. No deed has been executed by either the City or by the tax collector.

## DEFECTS IN TITLE

I beg to call attention to the following defects in this title:

1: It will be noted that on April 24, 1912 the Columbia Real Estate and Insurance Agency, conveyed this property to Hampton Jacobs, by deed recorded in Book "AU", at page 512. On January 17, 1914, Hampton Jacobs reconveyed the property to Columbia Real Estate and Insurance Agency, by the deed recorded in Book "BH" at page 572. Thereafter it appears that Hampton Jacobs conveyed the property to C. R. Cook. It will be seen that at the time of the last conveyance Hampton Jacobs, according to the records had no title to the property in question. If the Columbia Real Estate and Insurance Agency had reconveyed the property to him, I am unable to find said deed of record. The only way that this title could be <sup>ed</sup> pass/would be on the adverse possession theory.

2: The tax sales above referred to will have to be withdrawn and the past due taxes paid in full.

3: Attention is called to the fact that the suit of Bessie Cook -vs- Charles C. Cook, et al, is brought in the County Court, for



Richland County. If the property is worth less than \$3,000, we think that this suit is alright. However, if the property is worth ~~than~~ more than \$3,000 it appears that the suit would be nullity for the reason that the same would have to be brought in the Circuit Court. We desire to call attention to the fact that the certain testimony in this suit by A. W. Fogel, a Real Estate Agent, indicates that the property is worth considerably less than \$3,000.00

4: We desire to call attention also to the fact that the Probate Records for Richland County, In Re, The Estate of Clifford R. Cook Jr., show that among his heirs at Law was a daughter named Ruby Cook. It does not appear that said Ruby Cook was a party to the suit of Bessie Cook-VS-Charles C. Cook, et al, above referred to. We presume that Ruby Cook Was deceased at the time this suit was brought, but we this matter should be determined before the sale of the subject property is completed.

\* \* \* \* \*

#### R E P O R T

I hereby certify that I have made a careful examination of the public records of Richland County, and the foregoing abstract contains reference to all recorded instruments that affect the title to the property in question. I am of opinion that when the matters set out above under the heading " Defects in Title" have been properly corrected, That Clarence Richards will have a reasonably safe and marketable title, to the premises in question subject only to the liens of the mortgage to Hampton Jacobs, hereinabove reported.

Columbia, S. C.

March 31, 1939

*Edgar S. Danglas*  
ATTORNEY AT LAW



FINAL OPINION

This is to certify that Clarence Richards has executed and delivered a fee simple, general warranty deed to The Housing Authority of the City of Columbia, S. C., conveying the property described substantially as in the caption of this abstract, and said deed is recorded in the Office of the Clerk of Court for Richland County, in Deed Book "DA", at page 260.

All taxes as reported in the attached abstract have been paid in full, and the tax sales referred to have been withdrawn.

With reference to item one under the heading "defects in title" herein, I beg to advise that proceedings have been brought in the United States Court which in all respects <sup>are</sup> irregular and that in pursuance of an order of Hon. Alva M. Lumpkin, Presiding Judge, John H. Bollin Jr., as trustee in bankruptcy for Columbia Real Estate and Insurance Agency, has executed and delivered a quit claim deed unto Clarence Richards conveying any interest of the said bankrupt to the said Clarence Richards. This deed has been regularly indexed and recorded in the Office of the Clerk of Court for Richland County, in Deed Book "DA", at page 261, and the proceedings of the said United States Court will be found recorded in Deed Book "ER", at page 99, in said Clerk's Office. In my opinion this clears up the matters referred to in paragraph 1 under "defects in title," reported in the attached abstract.

With reference to paragraph 3 under "defects in title", we think that the same is reasonably safe in view of the Testimony in the roll referred to.

With reference to paragraph 4 under "defects in title", we beg to advise that it has been properly established by affidavit, a copy of which appears in this file, that Ruby Cook had died intestate, unmarried and without issue prior to the date of suit in question.

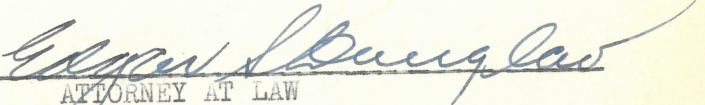
With reference to the mortgage of C. R. Cook to H. Jacobs reported in the attached abstract, I beg to advise that <sup>Clarence Richards</sup> ~~C. R. Cook~~ has given a bond in the sum of \$750.00, with his wife Grace Richards as surety thereon, to The Housing Authority of the City of Columbia, S. C., which bond will protect the said authority against any claim under



said mortgage. This mortgage in addition to the above will expire  
January 1, 1940.

Columbia, S. C.

September 11, 1939.

  
ATTORNEY AT LAW